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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEB 25 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
THE SECRETARY - ROOM 222

IN REPLY REFER TO:
7330-7/1700A3

Honorable Larry Pressler
United States Senator
Rushmore Mall
Rapid City, South Dakota 57701

Dear Senator Pressler:

This is in reply to your letter of February 4, 1993, in which you inquired on behalf of your constituent, John Tubbs, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 97 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Mr. Tubbs is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

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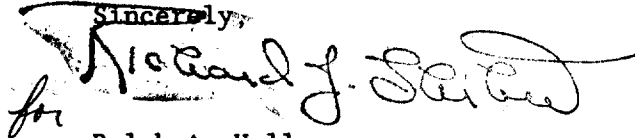
Honorable Larry Pressler

2.

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due May 28, 1993, and Reply Comments are due July 14, 1993. We expect final rules to be issued in 1994. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ralph A. Haller", written over a horizontal line. To the left of the signature is a small, stylized mark that looks like "for".

Ralph A. Haller
Chief, Private Radio Bureau

Enclosures:
Notice
Order
Discussion paper

Congressional

DUE OBC: 2-25-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 02/17/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300660	02/17/93	02/04/93	03/02/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Senator	Larry Pressler	BC

CONSTITUENT'S NAME	SUBJECT
John Tubbs	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB/Lmm 2-18-93			

DATE	DATE	DATE	DATE
02/17/93			

REMARKS: Respond to the Rapid City, SD office.

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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

PRB
92-235
660

February 4, 1993

Please respond to:

Rushmore Mall
Rapid City, SD 57701

Office of Legislative Affairs
Federal Communications Commission
1919 M Street, N.W.
Number 814
Washington, DC 20554

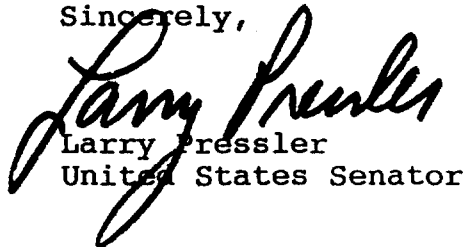
To Whom It May Concern:

I recently was contacted by Mr. John Tubbs of Rapid City, South Dakota, regarding his concern with Federal Communications Commission PR Docket 92-235. Enclosed is a copy of his correspondence.

To assist me in responding to him, I would appreciate it if you could provide me with additional information on PR Docket 92-235, as well as its current status. Your assistance is greatly appreciated.

Thank you for your time and consideration. I look forward to hearing from you soon.

Sincerely,


Larry Pressler
United States Senator

LP:km

Enclosure

FAX MEMO

SUBJECT:

Addressing my concerns over the FCC's PR Docket 92-235

FEB 11 1993

702

To: Senator Pressler

From : John Tubbs

For Information Call: 605-393-0804

At:

Pages: 3

My Fax Number: 605 222 2222

Dear Senator Pressler,

January 28, 1993

I have been interested in aviation as long as I can remember and for the last 10 years have been very active in building and flying radio controlled model aircraft. I am a member in a local club whose members enjoy constructing and operating radio controlled aircraft.

I am very concerned about proposed rules that are currently under consideration by the Federal Communications Commission (FCC). The proceeding is PR Docket 92-235. If adopted, the new rules will greatly reduce the usability of frequencies currently assigned for model use and increase the risk of accidents and attendant liability for controlling model aircraft.

Our radio control frequencies are in the 72 - 76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

Now the FCC wants to create more land mobile frequencies by splitting them into narrower bandwidths and rearranging the band plan. As a result, many land mobile frequencies will move closer to the radio control frequencies and cause interference to radio control operation. I am told that of the 50 frequencies that are presently available for radio control of model aircraft, only 19 frequencies will be left if these new rules are adopted.

When we fly our model aircraft under radio control, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

Please understand that many model aircraft have wing spans up to 10 feet and weigh as much as 30 or 40 pounds. The models themselves are expensive to build; but more to the point, they are capable of causing property damage, serious injury, or even death if radio interference causes the operator to lose control of the craft. We often fly at organized events and contests where hundreds of operators and spectators are present. We need the use of our full complement of radio frequencies in order to assure a safe flying environment.

I do not think it is wise of the FCC to seek to improve the operating conditions of land mobile radio users at the expense of radio control modelers. The FCC may not think we are as important as business users of radios, but we have a considerable investment in our models and in our radio equipment. The hobby provides many hours of enjoyment to thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me to continue the safe enjoyment of my pasttime by not allowing the FCC to carry out its proposals for the 72 - 76 MHz band.

Sincerely,
John Tubbs

For more information please contact:

Academy of Model Aeronautics
1810 Samuel Morse Dr.
Reston, Virginia 22090

Phone: (703) 435-0750
Fax (703) 435-0798

Date: 2/2/93

Time: 20:08:24

Pages: 3

A Few Thoughts From

John Tubbs

To: Senator Pressler

Fax Number : 341-3674

From : John Tubbs

Fax Number : 605-393-9626

Voice : 605-393-0804

Subject: FCC PR Docket 92-235

This is a followup to the first letter I sent you. The FCC will hold a hearing on this matter on the 26th of February. I am not against the new frequencies themselves, just the location and the fact that they will be allowed tolerances that could put them ON our frequencies.

Side Note: I have been having some problems with my fax machine. If this does not transmit properly please leave a message at the voice number above.

John Tubbs
4161 Terry Dr.
Rapid City, SD. 57701

Phone 605-393-0804
Fax 605-393-9626

February 2, 1993

Dear Senator Pressler,

The Federal Communications Commission has issued a Notice of Proposed Rule Making (NPRM-PR Docket 92-235) which, if implemented, will have a profound effect on model frequency use. Developed by the FCC Land Mobile Service, it creates a massive frequency restructuring-the first of its type in 60 years.

The 419 page document addresses frequency use in another service (Part 88) but will also affect Part 95 where our RC frequency use lives. Without becoming too technical, the restructuring inserts two new frequencies between those presently assigned for modeling use and commercial users. That means we could have a transmitter output almost four times the power output of ours, only 2.5kHz away from a large number of our 72 and 75 MHz frequencies.

In the 72 MHz band, thirty-one of our frequencies would be bracketed, Principally in the lower end of the band (below channel 42). A similar condition would exist in the 75 MHz band.

Not only are these new frequencies very close to ours, they are also designated as "mobile", therefore we would never know where they are operating, including right in the pit area at our flying fields or on the street or highway nearby.

In addition, the technical specifications for the new equipment allows a legal frequency tolerance which could place their signal directly on ours.

Now I realise that more frequencies are needed for mobile users, but the idea of putting these new frequencies right alongside and in some cases on our frequencies scares me. I have spent a lot of money and time in this most enjoyable sport. I fly helicopters, which by their very nature, are the most unstable machines that man has ever designed. The rotors on these models rotate at up to 2000 rpm and if a stray signal happened to interfere with my control of this machine, the results could be deadly if it happened to strike someone.

These RC model aircraft are not cheap toys. They are real miniature aircraft in every way. These machines have a speed envelope of 20 to 180 mph. They also weigh anywhere from 2 to 40 pounds. Some of the larger aircraft could be used by the military as drones.

I would like for you to look into this matter and see if there is anything that can be done to change these proposed plans by the FCC. Plain common sense would indicate that these new rules could and would cause severe problems. If they have to have new frequencies, why not put them in another communications area. This way there would be no risk to property or to individuals.

I can understand how the uninformed public might think of our sport as playing with toys, but to make a rule change like this, without having all the facts, could be fatal. If you would like a demonstration of these machines please let me know. All of our local club members would be more than willing to show you their aircraft.

Please take the time to contact the Academy of Model Aeronautics. This is a fine organization dedicated to the safety and well being of model aircraft builders and flyers nation wide.

I would not be writing you if I did not truly believe that great harm could be caused because of these new rules. It is important to move quickly. The FCC will rule on this proposal on the 26th of February, 1993. This does not leave much time. Your help is greatly needed. Please look into this matter and help to preserve the great safety record our sport has worked so hard for.

Sincerely,

John Tubbs

For more information please contact:

Academy of Model Aeronautics
1810 Samuel Morse Dr.
Reston, Virginia 22090

Phone 703-435-0750
Fax 703-435-0798